



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,015	12/29/2000	Peter Perthou	08914-009001	1179
26161 7590 03/22/2007 FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER BARRETT, SUZANNE LALE DINO	
			ART UNIT 3676	PAPER NUMBER
			MAIL DATE 03/22/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.



**UNITED STATES DEPARTMENT OF COMMERCE**

**U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

09/752, 015

EXAMINER
----------

ART UNIT	PAPER
----------	-------

20070320

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

letter attached

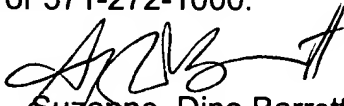
Suzanne Dino Barrett  
Primary Examiner  
Art Unit: 3676

The reply brief filed 1/29/07 has been entered and considered. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne Dino Barrett whose telephone number is 571-272-7053. The examiner can normally be reached on M-Th 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Suzanne Dino Barrett  
Primary Examiner  
Art Unit 3676

sdb

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Peter M. Perthou  
Serial No. : 09/752,015  
Filed : December 29, 2000  
Title : KEY RING

Art Unit : 3627  
Examiner : Suzanne Dino Barrett  
Conf. No. : 1179

**Mail Stop Appeal Brief - Patents**

Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REPLY BRIEF FOR APPELLANT

I. THE EXAMINER'S ANSWER FAILS TO SUPPORT HER CONTENTION THAT THE NARROW DESIGN PATENT CLAIM CROSS READS WITH ALL THE CLAIMS IN THE UTILITY APPLICATION.

The Examiner's Answer, states:

Claims 1-11 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claim of U.S. Design patent No. D435,720. Although the conflicting claims are not identical, they are not patentably distinct from each other because the design patent clearly shows all of the claimed structure of the instant utility patent application and the utility patent claims all of the structure shown in the design patent as evidenced by the identical drawings figures in both the utility application and the design patent. Accordingly, two-way obviousness determination is satisfied. P.p. 3.

...

Firstly, with respect to Applicant's arguments regarding the double patenting rejection, it is maintained that the drawing figure shown and claimed in design patent D435,720 covers the structure set forth in the claims of the instant application, and therefor, the two-way obviousness determination is satisfied. Applicant's arguments that the instant claim is broader does not overcome the rejection, since the structure of claim 1 is clearly shown in the drawings (and therefore claimed) in the design patent. Applicant has not claimed any limitation which is not shown in the drawings such as a particular material, flexibility, etc, which would overcome the rejection. P.p. 5.

...

With respect to Appellant's specific arguments regarding the double patenting rejection on page 4 of the brief, lines 8-10 particularly, it is maintained that the D435,720 design patent clearly teaches the structure of the claimed invention as recited in the claims. For example in claim 1, the drawing figure 1 of D435,720 9 as shown below clearly teaches a key holding ring at the bottom of the device, a band, a D-ring coupling the band to the key holding ring and the D-ring having a U-shaped portion engaging the key holding ring and a bar between

*Reply Brief  
Notes  
SJB  
3/20/07*